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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RICHARD L. CARRIZOSA and MARY
PEA, on behalf of themselves and
others similarly situated,

Plaintiffs,

vs.

PAUL R. STASSINOS, an individual,
ALAN MECHAM, an individual, LEGAL
RECOVERY SERVICES, INC., a
California corporation, LEGAL
RECOVERY SERVICES OF CENTRAL
CALIFORNIA, INC., a California
corporation, CENTRAL VALLEY
LEGAL RECOVERY SERVICES, INC., a
California corporation, DOES 1
through 20.,

Defendants.

CIV. NO. 05-2280 RMW

CLASS ACTION

APPENDICES IN SUPPORT OF
PLAINTIFFS' MOTION TO COMPEL
FURTHER DISCOVERY FROM LEGAL
RECOVERY SERVICES OF CENTRAL
CALIFORNIA, INC.

Date: May 17, 2006
Time: 9:30 a.m.
Courtroom 4

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Attorney for Legal Recovery Services of Central California, Inc.

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

RICHARD L. CARRIZOSA, and MARY)	Case No.: C05 02280 RMW
PEA, on behalf of themselves and other)	
similarly situated,) DEFENDANT LEGAL RECOVERY
) SERVICES OF CENTRAL CALIFORNIA'S
Plaintiffs,) RESPONSE TO PLAINTIFF RICHARD
) CARRIZOSA'S REQUEST FOR
vs.) PRODUCTION OF DOCUMENTS
)
PAUL R. STASSINOS, an individual, ALAN)	
MECHAM, an individual, LEGAL)	
RECOVERY SERVICES, INC., a California)	
corporation, LEGAL RECOVERY)	
SERVICES OF CENTRAL CALIFORNIA,)	
INC., a California corporation, CENTRAL)	
VALLEY LEGAL RECOVERY SERVICES,)	
INC., a California corporation, and DOES 1)	
through 20, inclusive,)
)
Defendants)

PROPOUNDING PARTY: Plaintiff, RICHARD CARRIZOSA

RESPONDING PARTY: Defendant, LEGAL RECOVERY SERVICES OF CENTRAL
 CALIFORNIA

SET NUMBER: One

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Comes now defendant, Legal Recovery Services of Central California, and responds to plaintiff, Richard Carrizosa, Request for Production of Documents (Set No. One) pursuant to Rule 34 of the Federal Rules of Civil Procedure as follows:

PRELIMINARY STATEMENT

1. Defendant has not yet fully completed investigation of the circumstances and facts relating to, has not yet completed discovery in, and has not completed preparation for trial of this action. It is anticipated that further discovery, independent investigation and analysis shall supply additional documents, evidence, and information. Defendant's responses to plaintiff's Demand for Production of Documents are based only on such documents, evidence, and information which are presently available and specifically known to defendant, and are given without prejudice to defendant's right to produce subsequently discovered documents, evidence, or information at the time of trial or at the hearing of a motion. Furthermore, defendant reserves the right to produce documents, evidence, and information of any subsequently discovered facts which it may later recall or discover.

2. Nothing set forth herein by defendant is intended, or shall be construed, as a waiver of any objection it may assert under the Federal Rules of Civil Procedure, which would require the exclusion of any answer at the time of trial or at the hearing of a Motion. Also, such objections are expressly reserved and may be made at such later time.

3. Subject to the claims of attorney/client privilege, the attorney work-product doctrine, or other privileges and the objections set forth herein, defendant responds to plaintiff's Demand for Production of Documents.

4. This "Preliminary Statement" is incorporated into each of the following specific responses of defendant to plaintiff's Demand for Production of Documents.

RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS

Request for Production No. 1:

All organization charts for LRS of Central California.

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Response to Request for Production No. 1:

1. Defendant Legal Recovery Services of Central California, Inc., objects on the grounds that the information requested is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. The instant action involves two plaintiffs who have not had contact with this Defendant;

2. Objection, the request is overly broad and remote;

3. Objection, the request is oppressive, harassing and burdensome;

4. Objection, the request seeks information which is protected by a right to financial privacy;

5. Objection, the request seeks information which is subject to trade secret protection;

6. Objection, the request seeks information including defendant's counsel's legal analysis and theories and therefore invades the attorney's work-product privilege;

7. Objection, the request seeks information which is protected from disclosure by the attorney-client privilege.

Notwithstanding and without waving the foregoing objections, and subject thereto, Defendant responds that after a diligent search and a reasonable inquiry, no documents responsive to the request exist in Defendant's possession, custody or control.

Request for Production No. 2:

The articles of incorporation, and any other documents concerning the formation of LRS of Central California.

Response to Request for Production No. 2:

1. Defendant Legal Recovery Services of Central California, Inc., objects on the grounds that the information requested is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. The instant action involves two plaintiffs who have not had contact with this Defendant;

2. Objection, the request is overly broad and remote;

3. Objection, the request is oppressive, harassing and burdensome;

1 4. Objection, the request seeks information which is protected by a right to financial
2 privacy;

3 5. Objection, the request seeks information which is subject to trade secret
4 protection;

5 6. Objection, the request seeks information including defendant's counsel's legal
6 analysis and theories and therefore invades the attorney's work-product privilege;

7 7. Objection, the request seeks information which is protected from disclosure by the
8 attorney-client privilege.

9 Notwithstanding and without waving the foregoing objections, and subject thereto,
10 Defendant responds that it will produce its Articles of Incorporation at a mutually convenient
11 time and location.

12 **Request for Production No. 3:**

13 All minute books, stock record books, articles of incorporation and other books and
14 records showing the organization, operation, and ownership of LRS of Central California.

15 **Response to Request for Production No. 3:**

16 1. Defendant Legal Recovery Services of Central California, Inc., objects on the
17 grounds that the information requested is neither relevant to the subject matter of this action nor
18 reasonably calculated to lead to the discovery of admissible evidence. The instant action
19 involves two plaintiffs who have not had contact with this Defendant;

20 2. Objection, the request is overly broad and remote;

21 3. Objection, the request is oppressive, harassing and burdensome;

22 4. Objection, the request seeks information which is protected by a right to financial
23 privacy;

24 5. Objection, the request seeks information which is subject to trade secret
25 protection;

26 6. Objection, the request seeks information including defendant's counsel's legal
27 analysis and theories and therefore invades the attorney's work-product privilege;

28 ////

1 7. Objection, the request seeks information which is protected from disclosure by the
2 attorney-client privilege.

3 Notwithstanding and without waving the foregoing objections, and subject thereto,
4 Defendant responds that it will produce its articles of incorporation and bylaws at a mutually
5 convenient time and location.

6 **Request for Production No. 4:**

7 All agreements between any of the defendants, in effect at any time during the relevant
8 time period related to the business of collecting dishonored checks.

9 **Response to Request for Production No. 4:**

10 1. Defendant Legal Recovery Services of Central California, Inc., objects on the
11 grounds that the information requested is neither relevant to the subject matter of this action nor
12 reasonably calculated to lead to the discovery of admissible evidence. The instant action
13 involves two plaintiffs who have not had contact with this Defendant;

14 2. Objection, the request is overly broad and remote;

15 3. Objection, the request is oppressive, harassing and burdensome;

16 4. Objection, the request seeks information which is protected by a right to financial
17 privacy;

18 5. Objection, the request seeks information which is subject to trade secret
19 protection;

20 6. Objection, the request seeks information including defendant's counsel's legal
21 analysis and theories and therefore invades the attorney's work-product privilege;

22 7. Objection, the request seeks information which is protected from disclosure by the
23 attorney-client privilege.

24 Defendant agrees to produce no documents in response to this request.

25 **Request for Production No. 5:**

26 All documents, including but not limited to agreements, guidelines and memoranda that,
27 in whole or in part, describe the obligations that any defendant has to merchants, in collecting
28 dishonored checks.

Response to Request for Production No. 5:

1. Defendant Legal Recovery Services of Central California, Inc., objects on the grounds that the information requested is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. The instant action involves two plaintiffs who have not had contact with this Defendant;

2. Objection, the request is overly broad and remote;

3. Objection, the request is oppressive, harassing and burdensome;

4. Objection, the request seeks information which is protected by a right to financial privacy;

5. Objection, the request seeks information which is subject to trade secret protection;

6. Objection, the request seeks information including defendant's counsel's legal analysis and theories and therefore invades the attorney's work-product privilege;

7. Objection, the request seeks information which is protected from disclosure by the attorney-client privilege.

Defendant agrees to produce no documents in response to this request.

Request for Production No. 6:

An example of each form letter that LRS of Central California uses in its communications with check writers and with merchants.

Response to Request for Production No. 6:

1. Defendant Legal Recovery Services of Central California, Inc., objects on the grounds that the information requested is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. The instant action involves two plaintiffs who have not had contact with this Defendant;

2. Objection, the request is overly broad and remote;

3. Objection, the request is oppressive, harassing and burdensome;

4. Objection, the request seeks information which is protected by a right to financial privacy;

1 5. Objection, the request seeks information which is subject to trade secret
2 protection;

3 6. Objection, the request seeks information including defendant's counsel's legal
4 analysis and theories and therefore invades the attorney's work-product privilege;

5 7. Objection, the request seeks information which is protected from disclosure by the
6 attorney-client privilege.

7 Defendant agrees to produce no documents in response to this request.

8 **Request for Production No. 7:**

9 For each form letter that LRS of Central California uses in its communications with
10 check writers, all documents relating to or depicting the drafting, authorization or approval of the
11 use of the form letter.

12 **Response to Request for Production No. 7:**

13 1. Defendant Legal Recovery Services of Central California, Inc., objects on the
14 grounds that the information requested is neither relevant to the subject matter of this action nor
15 reasonably calculated to lead to the discovery of admissible evidence. The instant action
16 involves two plaintiffs who have not had contact with this Defendant;

17 2. Objection, the request is overly broad and remote;

18 3. Objection, the request is oppressive, harassing and burdensome;

19 4. Objection, the request seeks information which is protected by a right to financial
20 privacy;

21 5. Objection, the request seeks information which is subject to trade secret
22 protection;

23 6. Objection, the request seeks information including defendant's counsel's legal
24 analysis and theories and therefore invades the attorney's work-product privilege;

25 7. Objection, the request seeks information which is protected from disclosure by the
26 attorney-client privilege.

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1 Notwithstanding and without waving the foregoing objections, and subject thereto,
 2 Defendant responds that after a diligent search and a reasonable inquiry, no documents
 3 responsive to the request exist in Defendant's possession, custody or control.

4 **Request for Production No. 8:**

5 All summaries or periodic reports that quantify LRS of Central California's activity in
 6 collecting checks, such as summaries of the number of checks submitted to LRS of Central
 7 California for collection, the number and type of letters that LRS of Central California has
 8 mailed to check writers, the amount of money that LRS of Central California has recovered in
 9 collecting checks, the division of collection proceeds between defendants, and similar
 10 information. This includes, but is not limited to, summaries and reports generated for LRS of
 11 Central California's internal use, and reports generated for any other purpose.

12 **Response to Request for Production No. 8:**

13 1. Defendant Legal Recovery Services of Central California, Inc., objects on the
 14 grounds that the information requested is neither relevant to the subject matter of this action nor
 15 reasonably calculated to lead to the discovery of admissible evidence. The instant action
 16 involves two plaintiffs who have not had contact with this Defendant;

17 2. Objection, the request is overly broad and remote;

18 3. Objection, the request is oppressive, harassing and burdensome;

19 4. Objection, the request seeks information which is protected by a right to financial
 20 privacy;

21 5. Objection, the request seeks information which is subject to trade secret
 22 protection;

23 6. Objection, the request seeks information including defendant's counsel's legal
 24 analysis and theories and therefore invades the attorney's work-product privilege;

25 7. Objection, the request seeks information which is protected from disclosure by the
 26 attorney-client privilege.

27 Defendant agrees to produce no documents in response to this request.

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Request for Production No. 9:

All documents containing information related to LRS of Central California's collection efforts on individual accounts, including records identifying check writers, check amounts, check dates and payees, payment demands made by LRS of Central California, payments received by LRS of Central California, and LRS of Central California's distribution of payments received.

Response to Request for Production No. 9:

1. Defendant Legal Recovery Services of Central California, Inc., objects on the grounds that the information requested is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. The instant action involves two plaintiffs who have not had contact with this Defendant;

2. Objection, the request is overly broad and remote;

3. Objection, the request is oppressive, harassing and burdensome;

4. Objection, the request seeks information which is protected by a right to financial privacy;

5. Objection, the request seeks information which is subject to trade secret protection;

6. Objection, the request seeks information including defendant's counsel's legal analysis and theories and therefore invades the attorney's work-product privilege;

7. Objection, the request seeks information which is protected from disclosure by the attorney-client privilege.

Defendant agrees to produce no documents in response to this request.

Request for Production No. 10:

All documents that describe or explain any codes, abbreviations or phrases that LRS of Central California uses in the computerized records, summaries and reports of its collection activity.

Response to Request for Production No. 10:

1. Defendant Legal Recovery Services of Central California, Inc., objects on the grounds that the information requested is neither relevant to the subject matter of this action nor

1 reasonably calculated to lead to the discovery of admissible evidence. The instant action
2 involves two plaintiffs who have not had contact with this Defendant;

3 2. Objection, the request is overly broad and remote;

4 3. Objection, the request is oppressive, harassing and burdensome;

5 4. Objection, the request seeks information which is protected by a right to financial
6 privacy;

7 5. Objection, the request seeks information which is subject to trade secret
8 protection;

9 6. Objection, the request seeks information including defendant's counsel's legal
10 analysis and theories and therefore invades the attorney's work-product privilege;

11 7. Objection, the request seeks information which is protected from disclosure by the
12 attorney-client privilege.

13 Defendant agrees to produce no documents in response to this request.

14 **Request for Production No. 11:**

15 All documents that contain any explanation or description of the procedures that LRS of
16 Central California follows in collecting checks, including but not limited to organizational charts,
17 flow diagrams or procedures manuals.

18 **Response to Request for Production No. 11:**

19 1. Defendant Legal Recovery Services of Central California, Inc., objects on the
20 grounds that the information requested is neither relevant to the subject matter of this action nor
21 reasonably calculated to lead to the discovery of admissible evidence. The instant action
22 involves two plaintiffs who have not had contact with this Defendant;

23 2. Objection, the request is overly broad and remote;

24 3. Objection, the request is oppressive, harassing and burdensome;

25 4. Objection, the request seeks information which is protected by a right to financial
26 privacy;

27 5. Objection, the request seeks information which is subject to trade secret
28 protection;

1 6. Objection, the request seeks information including defendant's counsel's legal
2 analysis and theories and therefore invades the attorney's work-product privilege;

3 7. Objection, the request seeks information which is protected from disclosure by the
4 attorney-client privilege.

5 Notwithstanding and without waving the foregoing objections, and subject thereto,
6 Defendant responds that after a diligent search and a reasonable inquiry, no documents
7 responsive to the request exist in Defendant's possession, custody or control.

8 **Request for Production No. 12:**

9 All documents containing scripts or suggested responses for LRS of Central California
10 employees to use in communicating with check writers and with merchants.

11 **Response to Request for Production No. 12:**

12 1. Defendant Legal Recovery Services of Central California, Inc., objects on the
13 grounds that the information requested is neither relevant to the subject matter of this action nor
14 reasonably calculated to lead to the discovery of admissible evidence. The instant action
15 involves two plaintiffs who have not had contact with this Defendant;

16 2. Objection, the request is overly broad and remote;

17 3. Objection, the request is oppressive, harassing and burdensome;

18 4. Objection, the request seeks information which is protected by a right to financial
19 privacy;

20 5. Objection, the request seeks information which is subject to trade secret
21 protection;

22 6. Objection, the request seeks information including defendant's counsel's legal
23 analysis and theories and therefore invades the attorney's work-product privilege;

24 7. Objection, the request seeks information which is protected from disclosure by the
25 attorney-client privilege.

26 Notwithstanding and without waving the foregoing objections, and subject thereto,
27 Defendant responds that after a diligent search and a reasonable inquiry, no documents
28 responsive to the request exist in Defendant's possession, custody or control.

1 **Request for Production No. 13:**

2 All documents used at LRS of Central California in training employees who
3 communicate with check writers and merchants.

4 **Response to Request for Production No. 13:**

5 1. Defendant Legal Recovery Services of Central California, Inc., objects on the
6 grounds that the information requested is neither relevant to the subject matter of this action nor
7 reasonably calculated to lead to the discovery of admissible evidence. The instant action
8 involves two plaintiffs who have not had contact with this Defendant;

9 2. Objection, the request is overly broad and remote;

10 3. Objection, the request is oppressive, harassing and burdensome;

11 4. Objection, the request seeks information which is protected by a right to financial
12 privacy;

13 5. Objection, the request seeks information which is subject to trade secret
14 protection;

15 6. Objection, the request seeks information including defendant's counsel's legal
16 analysis and theories and therefore invades the attorney's work-product privilege;

17 7. Objection, the request seeks information which is protected from disclosure by the
18 attorney-client privilege.

19 Notwithstanding and without waving the foregoing objections, and subject thereto,
20 Defendant responds that after a diligent search and a reasonable inquiry, no documents
21 responsive to the request exist in Defendant's possession, custody or control other than copies of
22 relevant statutes which are equally available to all parties.

23 **Request for Production No. 14:**

24 All documents that LRS of Central California uses in its efforts to avoid violations of the
25 Fair Debt Collection Practices Act.

26 **Response to Request for Production No. 14:**

27 1. Defendant Legal Recovery Services of Central California, Inc., objects on the
28 grounds that the information requested is neither relevant to the subject matter of this action nor

1 reasonably calculated to lead to the discovery of admissible evidence. The instant action
2 involves two plaintiffs who have not had contact with this Defendant;

3 2. Objection, the request is overly broad and remote;

4 3. Objection, the request is oppressive, harassing and burdensome;

5 4. Objection, the request seeks information which is protected by a right to financial
6 privacy;

7 5. Objection, the request seeks information which is subject to trade secret
8 protection;

9 6. Objection, the request seeks information including defendant's counsel's legal
10 analysis and theories and therefore invades the attorney's work-product privilege;

11 7. Objection, the request seeks information which is protected from disclosure by the
12 attorney-client privilege.

13 Notwithstanding and without waving the foregoing objections, and subject thereto,
14 Defendant responds that after a diligent search and a reasonable inquiry, no documents
15 responsive to the request exist in Defendant's possession, custody or control other than copies of
16 relevant statutes which are equally available to all parties.

17 **Request for Production No. 15:**

18 All documents that set forth or explain the charges that check writers are asked to pay in
19 connection with LRS of Central California's efforts to collect dishonored checks.

20 **Response to Request for Production No. 15:**

21 1. Defendant Legal Recovery Services of Central California, Inc., objects on the
22 grounds that the information requested is neither relevant to the subject matter of this action nor
23 reasonably calculated to lead to the discovery of admissible evidence. The instant action
24 involves two plaintiffs who have not had contact with this Defendant;

25 2. Objection, the request is overly broad and remote;

26 3. Objection, the request is oppressive, harassing and burdensome;

27 4. Objection, the request seeks information which is protected by a right to financial
28 privacy;

1 5. Objection, the request seeks information which is subject to trade secret
2 protection;

3 6. Objection, the request seeks information including defendant's counsel's legal
4 analysis and theories and therefore invades the attorney's work-product privilege;

5 7. Objection, the request seeks information which is protected from disclosure by the
6 attorney-client privilege.

7 Defendant agrees to produce no documents in response to this request.

8 **Request for Production No. 16:**

9 All documents that describe or depict any LRS of Central California policy or practice
10 relating to the retention of data for accounts on which collection efforts have been completed or
11 otherwise ceased.

12 **Response to Request for Production No. 16:**

13 1. Defendant Legal Recovery Services of Central California, Inc., objects on the
14 grounds that the information requested is neither relevant to the subject matter of this action nor
15 reasonably calculated to lead to the discovery of admissible evidence. The instant action
16 involves two plaintiffs who have not had contact with this Defendant;

17 2. Objection, the request is overly broad and remote;

18 3. Objection, the request is oppressive, harassing and burdensome;

19 4. Objection, the request seeks information which is protected by a right to financial
20 privacy;

21 5. Objection, the request seeks information which is subject to trade secret
22 protection;

23 6. Objection, the request seeks information including defendant's counsel's legal
24 analysis and theories and therefore invades the attorney's work-product privilege;

25 7. Objection, the request seeks information which is protected from disclosure by the
26 attorney-client privilege.

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Notwithstanding and without waving the foregoing objections, and subject thereto, Defendant responds that after a diligent search and a reasonable inquiry, no documents responsive to the request exist in Defendant's possession, custody or control.

Request for Production No. 17:

All documents that refer or relate to any practice of LRS of Central California to report unpaid checks and/or additional charges to a consumer credit reporting agency.

Response to Request for Production No. 17:

1. Defendant Legal Recovery Services of Central California, Inc., objects on the grounds that the information requested is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. The instant action involves two plaintiffs who have not had contact with this Defendant;

2. Objection, the request is overly broad and remote;

3. Objection, the request is oppressive, harassing and burdensome;

4. Objection, the request seeks information which is protected by a right to financial privacy;

5. Objection, the request seeks information which is subject to trade secret protection;

6. Objection, the request seeks information including defendant's counsel's legal analysis and theories and therefore invades the attorney's work-product privilege;

7. Objection, the request seeks information which is protected from disclosure by the attorney-client privilege.

Defendant agrees to produce no documents in response to this request.

Request for Production No. 18:

All documents referring or relating to the plaintiffs, including but not limited to, correspondence, notes of phone calls, and computerized data.

Response to Request for Production No. 18:

1. Defendant Legal Recovery Services of Central California, Inc., objects on the grounds that the information requested is neither relevant to the subject matter of this action nor

1 reasonably calculated to lead to the discovery of admissible evidence. The instant action
 2 involves two plaintiffs who have not had contact with this Defendant;

3 2. Objection, the request is overly broad and remote;

4 3. Objection, the request is oppressive, harassing and burdensome;

5 4. Objection, the request seeks information which is protected by a right to financial
 6 privacy;

7 5. Objection, the request seeks information which is subject to trade secret
 8 protection;

9 6. Objection, the request seeks information including defendant's counsel's legal
 10 analysis and theories and therefore invades the attorney's work-product privilege;

11 7. Objection, the request seeks information which is protected from disclosure by the
 12 attorney-client privilege.

13 Notwithstanding and without waving the foregoing objections, and subject thereto,
 14 Defendant responds that after a diligent search and a reasonable inquiry, no documents
 15 responsive to the request exist in Defendant's possession, custody or control.

16 **Request for Production No. 19:**

17 All agreements with each merchant to whom either plaintiff wrote a dishonored check
 18 that was referred to LRS of Central California.

19 **Response to Request for Production No. 19:**

20 1. Defendant Legal Recovery Services of Central California, Inc., objects on the
 21 grounds that the information requested is neither relevant to the subject matter of this action nor
 22 reasonably calculated to lead to the discovery of admissible evidence. The instant action
 23 involves two plaintiffs who have not had contact with this Defendant;

24 2. Objection, the request is overly broad and remote;

25 3. Objection, the request is oppressive, harassing and burdensome;

26 4. Objection, the request seeks information which is protected by a right to financial
 27 privacy;

28 ///

1 5. Objection, the request seeks information which is subject to trade secret
2 protection;

3 6. Objection, the request seeks information including defendant's counsel's legal
4 analysis and theories and therefore invades the attorney's work-product privilege;

5 7. Objection, the request seeks information which is protected from disclosure by the
6 attorney-client privilege.

7 Notwithstanding and without waving the foregoing objections, and subject thereto,
8 Defendant responds that after a diligent search and a reasonable inquiry, no documents
9 responsive to the request exist in Defendant's possession, custody or control.

10 **Request for Production No. 20:**

11 All operations and procedures manuals and guides for the computer application(s) that
12 LRS of Central California uses in compiling check writer and check data, and tracking collection
13 activity.

14 **Response to Request for Production No. 20:**

15 1. Defendant Legal Recovery Services of Central California, Inc., objects on the
16 grounds that the information requested is neither relevant to the subject matter of this action nor
17 reasonably calculated to lead to the discovery of admissible evidence. The instant action
18 involves two plaintiffs who have not had contact with this Defendant;

19 2. Objection, the request is overly broad and remote;

20 3. Objection, the request is oppressive, harassing and burdensome;

21 4. Objection, the request seeks information which is protected by a right to financial
22 privacy;

23 5. Objection, the request seeks information which is subject to trade secret
24 protection;

25 6. Objection, the request seeks information including defendant's counsel's legal
26 analysis and theories and therefore invades the attorney's work-product privilege;

27 7. Objection, the request seeks information which is protected from disclosure by the
28 attorney-client privilege.

1 Notwithstanding and without waving the foregoing objections, and subject thereto,
2 Defendant responds that after a diligent search and a reasonable inquiry, no documents
3 responsive to the request exist in Defendant's possession, custody or control.

4 **Request for Production No. 21:**

5 Copies of all insurance policies that potentially cover any business liability. You may
6 exclude policies that include only automobile insurance or worker's compensation coverage.

7 **Response to Request for Production No. 21:**

8 1. Defendant Legal Recovery Services of Central California, Inc., objects on the
9 grounds that the information requested is neither relevant to the subject matter of this action nor
10 reasonably calculated to lead to the discovery of admissible evidence. The instant action
11 involves two plaintiffs who have not had contact with this Defendant;

12 2. Objection, the request is overly broad and remote;

13 3. Objection, the request is oppressive, harassing and burdensome;

14 4. Objection, the request seeks information which is protected by a right to financial
15 privacy;

16 5. Objection, the request seeks information which is subject to trade secret
17 protection;

18 6. Objection, the request seeks information including defendant's counsel's legal
19 analysis and theories and therefore invades the attorney's work-product privilege;

20 7. Objection, the request seeks information which is protected from disclosure by the
21 attorney-client privilege.

22 Defendant agrees to produce no documents in response to this request.

23 **Request for Production No. 22:**

24 All documents relating to litigation filed against any defendant alleging violations of the
25 Fair Debt Collection Practices Act or any other cause of action arising from defendant's
26 collection practices.

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Response to Request for Production No. 22:

1. Defendant Legal Recovery Services of Central California, Inc., objects on the grounds that the information requested is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. This request also seeks documents that are not likely to lead to the discovery of admissible evidence as delineated in the allegations of the operative complaint. (See Powell v. Computer Credit, Inc. (S.D. Ohio 1997) 975 F.Supp. 1034, 1039; Dewey v. Associated Collectors, Inc. Midwest Billing Serv. (W.D. Wisc. 1996) 927 F.Supp. 1172, 1175-76; Byes v. Credit Bureau Enterprises, Inc. (E.D. La. 1995) slip op., 1995 U.S. Dist. LEXIS 13559, *2.) Moreover, the instant action involves two plaintiffs who have not had contact with this Defendant;

2. Objection, the request is overly broad and remote;

3. Objection, the request is oppressive, harassing and burdensome;

4. Objection, the request seeks information which is protected by a right to financial privacy;

5. Objection, the request seeks information which is subject to trade secret protection;

6. Objection, the request seeks information including defendant's counsel's legal analysis and theories and therefore invades the attorney's work-product privilege;

7. Objection, the request seeks information which is protected from disclosure by the attorney-client privilege.

Notwithstanding and without waving the foregoing objections, and subject thereto, Defendant responds that after a diligent search and a reasonable inquiry, no documents responsive to the request exist in Defendant's possession, custody or control.

Request for Production No. 23:

LRS of Central California's audited financial statement for each fiscal year from 2003 to the present.

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Response to Request for Production No. 23:

1. Defendant Legal Recovery Services of Central California, Inc., objects on the grounds that the information requested is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. The instant action involves two plaintiffs who have not had contact with this Defendant;

2. Objection, the request is overly broad and remote;

3. Objection, the request is oppressive, harassing and burdensome;

4. Objection, the request seeks information which is protected by a right to financial privacy;

5. Objection, the request seeks information which is subject to trade secret protection;

6. Objection, the request seeks information including defendant's counsel's legal analysis and theories and therefore invades the attorney's work-product privilege;

7. Objection, the request seeks information which is protected from disclosure by the attorney-client privilege.

Notwithstanding and without waving the foregoing objections, and subject thereto, Defendant responds that after a diligent search and a reasonable inquiry, no documents responsive to the request exist in Defendant's possession, custody or control.

Request for Production No. 24:

LRS of Central California's profit and loss statement for each fiscal year from 2003 to the present.

Response to Request for Production No. 24:

1. Defendant Legal Recovery Services of Central California, Inc., objects on the grounds that the information requested is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. The instant action involves two plaintiffs who have not had contact with this Defendant;

2. Objection, the request is overly broad and remote;

3. Objection, the request is oppressive, harassing and burdensome;

1 4. Objection, the request seeks information which is protected by a right to financial
2 privacy;

3 5. Objection, the request seeks information which is subject to trade secret
4 protection;

5 6. Objection, the request seeks information including defendant's counsel's legal
6 analysis and theories and therefore invades the attorney's work-product privilege;

7 7. Objection, the request seeks information which is protected from disclosure by the
8 attorney-client privilege.

9 Notwithstanding and without waving the foregoing objections, and subject thereto,
10 Defendant responds that after a diligent search and a reasonable inquiry, no documents
11 responsive to the request exist in Defendant's possession, custody or control.

12 **Request for Production No. 25:**

13 All income tax returns for any defendant for the past three years.

14 **Response to Request for Production No. 25:**

15 1. Defendant Legal Recovery Services of Central California, Inc., objects on the
16 grounds that the information requested is neither relevant to the subject matter of this action nor
17 reasonably calculated to lead to the discovery of admissible evidence. The instant action
18 involves two plaintiffs who have not had contact with this Defendant;

19 2. Objection, the request is overly broad and remote;

20 3. Objection, the request is oppressive, harassing and burdensome;

21 4. Objection, the request seeks information which is protected by a right to financial
22 privacy;

23 5. Objection, the request seeks information which is subject to trade secret
24 protection;

25 6. Objection, the request seeks information including defendant's counsel's legal
26 analysis and theories and therefore invades the attorney's work-product privilege;

27 7. Objection, the request seeks information which is protected from disclosure by the
28 attorney-client privilege.

8. Objection, the request violates the tax return privilege.

Defendant agrees to produce no documents in response to this request.

Request for Production No. 26:

All bank account statements for accounts into which LRS of Central California deposits payments received from check writers.

Response to Request for Production No. 26:

1. Defendant Legal Recovery Services of Central California, Inc., objects on the grounds that the information requested is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. The instant action involves two plaintiffs who have not had contact with this Defendant;

2. Objection, the request is overly broad and remote;

3. Objection, the request is oppressive, harassing and burdensome;

4. Objection, the request seeks information which is protected by a right to financial privacy;

5. Objection, the request seeks information which is subject to trade secret protection;

6. Objection, the request seeks information including defendant's counsel's legal analysis and theories and therefore invades the attorney's work-product privilege;

7. Objection, the request seeks information which is protected from disclosure by the attorney-client privilege.

Defendant agrees to produce no documents in response to this request.

Request for Production No. 27:

All documents showing payments to or from, any other defendant herein, including, but not limited to invoices, receipts, and checks.

Response to Request for Production No. 27:

1. Defendant Legal Recovery Services of Central California, Inc., objects on the grounds that the information requested is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. The instant action

1 involves two plaintiffs who have not had contact with this Defendant;

2 2. Objection, the request is overly broad and remote;

3 3. Objection, the request is oppressive, harassing and burdensome;

4 4. Objection, the request seeks information which is protected by a right to financial
5 privacy;

6 5. Objection, the request seeks information which is subject to trade secret
7 protection;

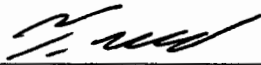
8 6. Objection, the request seeks information including defendant's counsel's legal
9 analysis and theories and therefore invades the attorney's work-product privilege;

10 7. Objection, the request seeks information which is protected from disclosure by the
11 attorney-client privilege.

12 Defendant agrees to produce no documents in response to this request.

13 DATED: November 14, 2005

14 CLIFFORD & BROWN

15 By 
16 T. MARK SMITH
17 Attorney for Defendant
18 Legal Recovery Services of
19 Central California
20
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28

PROOF OF SERVICE (C.C.P. §1013a, 2015.5)

Richard Carrizosa; Mary Peas v. Paul R. Stassinis, et al.
 (USDC, Northern Division Case No. 05-02280 PVT)

I am employed in the County of Kern, State of California. I am over the age of 18 and not a party to the within action; my business address is 1430 Truxtun Avenue, Bakersfield, CA 93301.

On November 14, 2005, I served the foregoing document(s) entitled:

**DEFENDANT LEGAL RECOVERY SERVICES OF
 CENTRAL CALIFORNIA'S RESPONSE TO PLAINTIFF
 RICHARD CARRIZOSA'S REQUEST FOR
 PRODUCTION OF DOCUMENTS**

— by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list.

X by placing — the original, X a true copy thereof, enclosed in a sealed envelope addressed as follows:

PLEASE SEE PROOF OF SERVICE LIST BELOW

X **BY MAIL**

— I deposited such envelope in the mail at Bakersfield, California, with postage thereon fully prepaid.

X I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Bakersfield, California in the ordinary course of business. The above sealed envelopes were placed for collection and mailing on the above date following ordinary business practice.

— **VIA FACSIMILE**

— **BY EXPRESS MAIL**

I deposited such envelopes in a facility regularly maintained by the U.S. Postal Service for receipt of Express Mail, as specified in C.C.P. §1013(c), with Express Mail postage prepaid.

BY OVERNIGHT DELIVERY (other than Express Mail)

I deposited such envelopes in an envelope or package designated by the express service carrier with delivery fees paid or provided;

and deposited such envelope or package in a facility regularly maintained by the express service carrier.

delivered such envelope or package to an authorized courier or driver authorized by the express service carrier to receive documents.

BY PERSONAL SERVICE

I caused such envelope to be hand delivered to the offices of the addressee(s).

Executed on November 14, 2005, at Bakersfield, California.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

XX (Federal) I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.


BRIANA POWERS

PROOF OF SERVICE LIST

Paul Arons, Esq.
LAW OFFICE OF PAUL ARONS
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Friday Harbor, WA 98250
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360-378-6498 fax

Ronald Wilcox
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San Jose, CA 95126
408-296-0400
408-296-0486 fax

1 Frederick Schwinn
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2 12 South 1st Street, #416
San Jose, CA 95113-2404
3 408-294-6100
408-294-6190 fax
4
O. Randolp Bragg
5 HORWITZ, HORWITZ & ASSOCIATES
25 East Washington, Suite 900
6 Chicago, IL 60602
312-372-3822
7 312-372-1673 fax
8
June D. Coleman
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9 701 University Avenue, Suite 150
Sacramento, CA 95825
10 916-565-0300
916-565-1636 fax
11
Valentina Doss
12 Law Offices of Doss & Terrill
2880 Sunrise Boulevard
13 Suite 200
Rancho Cordova, CA 95742
14 916-631-1662
916-631-1672 fax
15
Scott L. Harper
16 BROWN, HALL, et al.
The Fountains,
17 3031 West March Lane,
Suite 230 West
18 Stockton, CA 95219
209-477-7655
19 209-499-2549 fax
20
21
22
23
24
25
26

1 T. MARK SMITH, ESQ., State Bar No. 162370
2 CLIFFORD & BROWN
3 A Professional Corporation
4 Attorneys at Law
5 1430 Truxtun Avenue, Suite 900
6 Bakersfield, CA 93301-5230
7 (661) 322-6023
8 (661) 322-3508 - Fax
9 Attorney for Legal Recovery Services of Central California, Inc.

10
11 UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION
14

15 RICHARD L. CARRIZOSA, and MARY)
16 PEA, on behalf of themselves and other)
17 similarly situated,)

18 Plaintiffs,)

19 vs.)

20 PAUL R. STASSINOS, an individual, ALAN)
21 MECHAM, an individual, LEGAL)
22 RECOVERY SERVICES, INC., a California)
23 corporation, LEGAL RECOVERY)
24 SERVICES OF CENTRAL CALIFORNIA,)
25 INC., a California corporation, CENTRAL)
26 VALLEY LEGAL RECOVERY SERVICES,)
27 INC., a California corporation, and DOES 1)
28 through 20, inclusive,)

Defendants)

Case No.: C05 02280 RMW

**DEFENDANT LEGAL RECOVERY
SERVICES OF CENTRAL
CALIFORNIA'S RESPONSE TO
PLAINTIFF RICHARD CARRIZOSA'S
INTERROGATORIES**

SET NO. ONE

23
24
25 PROPOUNDING PARTY : Plaintiff, RICHARD CARRIZOSA
26 RESPONDING PARTY : Defendant, LEGAL RECOVERY SERVICES OF
27 CENTRAL CALIFORNIA
28 SET NO. : ONE

1 Comes now defendant, LEGAL RECOVERY SERVICES OF CENTRAL
2 CALIFORNIA, and responds to plaintiff, RICHARD CARRIZOSA, Interrogatories (Set No.
3 One) as follows:

4 PRELIMINARY STATEMENT

5 1. Defendant has not yet fully completed investigation of the circumstances and
6 facts relating to, has not yet completed discovery in, and has not completed preparation for trial
7 of this action. It is anticipated that further discovery, independent investigation and analysis
8 shall supply additional documents, evidence, and information. Defendant's responses to
9 plaintiff's Special Interrogatories are based only on such documents, evidence, and information
10 which are presently available and specifically known to defendant, and are given without
11 prejudice to defendant's right to produce subsequently discovered documents, evidence, or
12 information at the time of trial or at the hearing of a motion. Furthermore, defendant reserves the
13 right to produce evidence and information of any subsequently discovered facts which it may
14 later recall or discover.

15 2. Nothing set forth herein by defendant is intended, or shall be construed, as a
16 waiver of any objection it may assert under the Federal Rules of Civil Procedure, which would
17 require the exclusion of any answer at the time of trial or at the hearing of a Motion. Also, such
18 objections are expressly reserved and may be made at such later time.

19 3. Subject to the claims of attorney/client privilege, the attorney work-product
20 doctrine, or other privileges and the objections set forth herein, defendant responds to plaintiff's
21 Special Interrogatories.

22 4. This "Preliminary Statement" is incorporated into each of the following specific
23 responses of defendant to plaintiff's Form Interrogatories.

24 RESPONSES TO INTERROGATORIES

25 INTERROGATORY NO. 1:

26 REQUEST:

27 State the name, address, title, and job description of each owner, officer, director, and/or
28 partner of LRS of Central California, and the dates during which each person has held such position.

RESPONSE:

Defendant objects on the grounds that the request calls for information which is neither relevant nor calculated to lead to the discovery of admissible evidence as this action involves two named plaintiffs with whom defendant had no involvement in collection activities. Defendant also objects on the grounds that the request is overbroad and invades the financial privacy of defendant and third parties. Notwithstanding and without waiving the foregoing objections, Defendant responds as follows:

Brenda Meadows, President and Chief Financial Officer, oversees the day-to-day operations of the corporation including administrative and personnel functions; Colleen Meadows, Vice-President and Secretary, performs only administrative functions. Both officers have served from the corporation's formation to the present.

INTERROGATORY NO. 2:**REQUEST:**

Identify by name, last known address and phone number, job titles and job duties, all of LRS of Central California's current and past employees, for the period of June 7, 2001 to the present.

RESPONSE:

Defendant objects on the grounds that this interrogatory calls for information which is neither relevant nor calculated to lead to the discovery of admissible evidence. Defendant also objects on the grounds that the request is overbroad and unduly burdensome. Defendant also objects on the grounds that the information called for by the interrogatory is protected by the privacy interests of third parties.

INTERROGATORY NO. 5:**REQUEST:**

Identify every person who participated in any way in implementing, approving and/or adopting the policies and procedures used at LRS of Central California for collecting dishonored checks and explain each person's participation.

////

RESPONSE:

Defendant objects on the grounds that the interrogatory is compound. Additionally, this interrogatory is overly broad as to time and scope. In addition, this interrogatory appears to seek information that is neither relevant nor calculated to lead to the discovery of admissible evidence. Furthermore, this request seeks information not likely to lead to the discovery of admissible evidence given the current posture of the case – as the only relevant payments involve plaintiffs. Responding party has had no contact with plaintiffs. Notwithstanding and without waiving the foregoing objections, defendant responds as follows:

There are no policies or procedures that relate in any way to plaintiffs as responding party did not contact or otherwise conduct any collection activity against plaintiffs. However, Paul Stassinis sets forth policies and procedures and supervises the implementation of those policies and procedures performed by responding party's employees.

INTERROGATORY NO. 6:**REQUEST:**

Identify, by code name or number, each form letter that LRS of Central California uses in its communications with check writers, and for each letter identified, specify, on a monthly basis, how many form letters were sent out.

RESPONSE:

Defendant objects on the grounds that this interrogatory calls for information which is neither relevant nor calculated to lead to the discovery of admissible evidence in that this action involves two named plaintiffs with whom responding party has not been involved in collection activity. Defendant also objects on the grounds that the request is overly broad and unduly burdensome. Defendant also objects on the grounds that the information called for by the interrogatory is protected by the privacy interests of this defendant and of third parties.

INTERROGATORY NO. 7:**REQUEST:**

Set forth on a monthly basis the number of dishonored checks referred for collection.

////

RESPONSE:

Defendant objects on the grounds that this interrogatory calls for information which is neither relevant nor calculated to lead to the discovery of admissible evidence as this action involves two named plaintiffs with whom this defendant had no involvement in collection activities. Defendant also objects on the grounds that the request is overly broad and unduly burdensome. Defendant also objects on the grounds that the information called for by the interrogatory is protected by the privacy interests of this defendant and third parties. Defendant also objects on the grounds that the request seeks information which constitutes protected trade secrets and invades confidential and proprietary business information.

INTERROGATORY NO. 14:**REQUEST:**

For each year since 2001, set forth the total interest charges paid to any defendant by check writers and the total number of such class members who have paid these charges. Exclude interest that was awarded in a lawsuit judgment.

RESPONSE:

Defendant objects on the grounds that this interrogatory calls for information which is neither relevant nor calculated to lead to the discovery of admissible evidence as this action involves two named plaintiffs with whom this defendant had no collection activity. Defendant also objects on the grounds that the request is overly broad and unduly burdensome. Defendant also objects on the grounds that the information called for by the interrogatory is protected by the privacy interests of this defendant and third parties. Defendant also objects on the grounds that the request seeks information which constitutes protected trade secrets and invades confidential and proprietary business information.

INTERROGATORY NO. 15:**REQUEST:**

Fully explain LRS of Central California's procedures for collecting dishonored checks, including in your explanation, how LRS of Central California receives dishonored checks and information, the selection and timing of form letters that LRS of Central California sends to

1 check writers and merchants, the timing and substance of the phone calls that LRS of Central
2 California makes to check writers, the receipt and disbursement of payments made by check
3 writers, and the termination of collection efforts.

4 **RESPONSE:**

5 Responding party objects on the grounds that this request is compound. This request is
6 overly broad in time and scope. This request is also vague, ambiguous, and lacks foundation.
7 Because of these ambiguities, this interrogatory appears to seek information that is neither
8 relevant nor calculated to lead to the discovery of admissible evidence. Additionally, this request
9 seeks information not likely to lead to the discovery of admissible evidence in light of the current
10 posture of the case. The only relevant information would be that related to Richard L. Carrizosa
11 and Mary Pea, and responding party had no contact or involvement in any collection activities
12 plaintiffs. This request also seeks the disclosure of confidential trade secrets contained within the
13 documents which, if disclosed, would negatively impact the financial status of responding party.
14 Notwithstanding these objections, and without waiving these objections, responding party
15 responds as follows:

16 Responding party has an attorney-client relationship with attorney Paul Stassinis and
17 implements procedures established by Mr. Stassinis. Those procedures include data input of
18 check information, the processing of correspondence to debtors, which includes stuffing of
19 envelopes and affixing of postage related to correspondence Mr. Stassinis has directed to be
20 sent. The data is obtained from the dishonored checks that Mr. Stassinis reviews. The selection
21 and timing of such correspondence is directed by Mr. Stassinis. The substance of oral
22 communications is directed by Mr. Stassinis. Pursuant to the direction of Mr. Stassinis,
23 telephone calls are made after initial correspondence is sent. Payments are received from check
24 writers, which Mr. Stassinis has directed that responding party deposit in his trust account.
25 Responding party does not disburse monies received from check writers. Mr. Stassinis makes
26 the decision to terminate collection efforts on a collection matter.

27 ////

28 ////

1 **INTERROGATORY NO. 21:**

2 **REQUEST:**

3 Identify by bank, address, account name, authorized depositors, authorized signatories,
4 and account number, all bank accounts into which payments sent by check writers are deposited.

5 **RESPONSE:**

6 Defendant objects on the grounds that this interrogatory calls for information which is
7 neither relevant nor calculated to lead to the discovery of admissible evidence. Defendant also
8 objects on the grounds that the request is overly broad and unduly burdensome. Defendant also
9 objects on the grounds that the information called for by the interrogatory is protected by the
10 privacy interest of third parties. Defendant also objects on the grounds that the request seeks
11 information which constitutes protected trade secrets and invades confidential and proprietary
12 business information.

13 **INTERROGATORY NO. 22:**

14 **REQUEST:**

15 Describe in detail your relationship with each of the other defendants in this lawsuit,
16 including, but not limiting, all support and consulting services provided, the division of income
17 and expenses, and all regular business communications.

18 **RESPONSE:**

19 Defendant objects on the grounds that the request is compound. Also, this request seeks
20 information that is neither relevant nor calculated to lead to the discovery of admissible
21 evidence, given the procedural posture of this case as being brought by two individuals.
22 Moreover, this request seeks the disclosure of confidential trade secrets contained within the
23 documents which, if disclosed, would negatively impact the financial status of responding party.
24 The request seeks attorney-client privileged and work product protected information. This
25 interrogatory also appears to seek a legal conclusion. Notwithstanding these objections, and
26 without waiving these objections, responding party states:

27 Responding party has an attorney-client relationship with Mr. Stassinis. Responding
28 party has no relationship with Mr. Mecham or Central Valley Legal Recovery Services, Inc.

1 Responding party purchased its business from Legal Recovery Services, Inc., and pursuant to the
2 purchase agreement, responding party makes a monthly payment to Legal Recovery Services,
3 Inc. Pursuant to the purchase agreement, Legal Recovery Services, Inc. is to provide technical
4 support associated with the computer software. In accordance with the purchase agreement,
5 responding party is an independent and separate entity which does not commingle or share
6 income or expenses, or provide each other with consulting services.

7 **INTERROGATORY NO. 25:**

8 **REQUEST:**

9 Describe by date, place, participants and matters discussed, all communications between
10 July 27, 2004 and April 14, 2005, in which any other defendant herein was present, where the
11 fact that Paul Stassinis was a defendant in a lawsuit was mentioned or discussed.

12 **RESPONSE:**

13 Defendant objects on the grounds that this discovery request seeks attorney-client
14 communications and attorney work product protected information. This request is also vague and
15 ambiguous as to "communications." Furthermore, this request seeks information not likely to
16 lead to the discovery of admissible evidence given the current posture of the case, as the only
17 relevant communication involves this lawsuit involving plaintiffs Richard L. Carrizosa and Mary
18 Pea.

19 Notwithstanding and without waiving these objections, responding party responds as
20 follows: On various occasions, Brenda Meadows spoke with Mr. Stassinis, although she has no
21 recollection of the dates of such conversations. These conversations could have been by
22 telephone or in person, but in either case, Ms. Meadows was located at the office of responding
23 party. Ms. Meadows also spoke with Mr. Al Mecham and Mr. Adam Perry, wherein it was
24 mentioned that Paul Stassinis was involved in a lawsuit.

25 DATED: November 23, 2005

CLIFFORD & BROWN

26
27 By 

T. MARK SMITH

Attorneys for Defendant Legal Recovery
Services of Central California

VERIFICATION

I, BRENDA MEADOWS, declare:

I am employed as the President of Legal Recovery Services of Central California, a party to this action. I am authorized to make this Verification for and on behalf of Legal Recovery Services of Central California, a party to this action, and I make this Verification for that reason. I have read the foregoing document and know its content. I am informed and believe, and on that ground allege, that the matters stated in **Defendant Legal Recovery Services of Central California's Response to Plaintiff Richard Carrizosa's Interrogatories, Set No. One** are true and correct.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed November 22 2005, at Bakersfield, California.


BRENDA MEADOWS

PROOF OF SERVICE (C.C.P. §1013a, 2015.5)

Richard Carrizosa; Mary Peas v. Paul R. Stassinis, et al.
(USDC, Northern Division Case No. 05-02280 PVT)

I am employed in the County of Kern, State of California. I am over the age of 18 and not a party to the within action; my business address is 1430 Truxtun Avenue, Bakersfield, CA 93301.

On November 23, 2005, I served the foregoing document(s) entitled:

**DEFENDANT LEGAL RECOVERY SERVICES OF
CENTRAL CALIFORNIA'S RESPONSE TO PLAINTIFF
RICHARD CARRIZOSA'S INTERROGATORIES,
SET NO. ONE**

by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list.

X by placing the original, X a true copy thereof, enclosed in a sealed envelope addressed as follows:

PLEASE SEE PROOF OF SERVICE LIST BELOW

X **BY MAIL**

I deposited such envelope in the mail at Bakersfield, California, with postage thereon fully prepaid.

X I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Bakersfield, California in the ordinary course of business. The above sealed envelopes were placed for collection and mailing on the above date following ordinary business practice.

VIA FACSIMILE

BY EXPRESS MAIL

I deposited such envelopes in a facility regularly maintained by the U.S. Postal Service for receipt of Express Mail, as specified in C.C.P. §1013(c), with Express Mail postage prepaid.

1 X **BY OVERNIGHT DELIVERY** (other than Express Mail)
2 I deposited such envelopes in an envelope or package
3 designated by the express service carrier with delivery
4 fees paid or provided;
5
6 X and deposited such envelope or package in a
7 facility regularly maintained by the express
8 service carrier.
9
10 delivered such envelope or package to an
11 authorized courier or driver authorized by
12 the express service carrier to receive
13 documents.

14 **BY PERSONAL SERVICE**
15 I caused such envelope to be hand delivered to the
16 offices of the addressee(s).

17 Executed on November 23, 2005, at Bakersfield, California.

18 (State) I declare under penalty of perjury under the
19 laws of the State of California that the
20 above is true and correct.

21 XX (Federal) I declare that I am employed in the office of
22 a member of the Bar of this Court at whose
23 direction the service was made.

24 
25 BRIANA POWERS

26 **PROOF OF SERVICE LIST**

27 **VIA CALIFORNIA OVERNIGHT**

28 Paul Arons, Esq.
29 LAW OFFICE OF PAUL ARONS
30 685 Spring Street, #104
31 Friday Harbor, WA 98250
32 360-378-6496
33 360-378-6498 fax

34 **VIA U.S. MAIL**

35 Ronald Wilcox
36 LAW OFFICE OF RONALD WILCOX
37 2160 The Alameda, 1st Floor, Suite F
38 San Jose, CA 95126
39 408-296-0400
40 408-296-0486 fax

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9 June D. Coleman
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12 Valentina Doss
Law Offices of Doss & Terrill
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Rancho Cordova, CA 95742
14 916-631-1662
916-631-1672 fax
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T. MARK SMITH, ESQ., State Bar No. 162370
 CLIFFORD & BROWN
 A Professional Corporation
 Attorneys at Law
 1430 Truxtun Avenue, Suite 900
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 (661) 322-6023
 (661) 322-3508 - Fax

Attorney for Legal Recovery Services of Central California, Inc.

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

RICHARD L. CARRIZOSA, and MARY) Case No.: C05 02280 RMW
 PEA, on behalf of themselves and other)
 similarly situated,)

Plaintiffs,)

vs.)

**DEFENDANT LEGAL RECOVERY
 SERVICES OF CENTRAL
 CALIFORNIA'S SUPPLEMENTAL
 RESPONSE TO PLAINTIFF RICHARD
 CARRIZOSA'S REQUEST FOR
 PRODUCTION OF DOCUMENTS**

PAUL R. STASSINOS, an individual, ALAN)
 MECHAM, an individual, LEGAL)
 RECOVERY SERVICES, INC., a California)
 corporation, LEGAL RECOVERY)
 SERVICES OF CENTRAL CALIFORNIA,))
 INC., a California corporation, CENTRAL)
 VALLEY LEGAL RECOVERY SERVICES,))
 INC., a California corporation, and DOES 1)
 through 20, inclusive,)

Defendants)

PROPOUNDING PARTY: Plaintiff, RICHARD CARRIZOSA

RESPONDING PARTY: Defendant, LEGAL RECOVERY SERVICES OF CENTRAL
 CALIFORNIA

SET NUMBER: One - SUPPLEMENTAL

////

Comes now defendant, Legal Recovery Services of Central California, and responds to plaintiff, Richard Carrizosa, Request for Production of Documents (Set No. One) pursuant to Rule 34 of the Federal Rules of Civil Procedure as follows:

PRELIMINARY STATEMENT

1. Defendant has not yet fully completed investigation of the circumstances and facts relating to, has not yet completed discovery in, and has not completed preparation for trial of this action. It is anticipated that further discovery, independent investigation and analysis shall supply additional documents, evidence, and information. Defendant's responses to plaintiff's Demand for Production of Documents are based only on such documents, evidence, and information which are presently available and specifically known to defendant, and are given without prejudice to defendant's right to produce subsequently discovered documents, evidence, or information at the time of trial or at the hearing of a motion. Furthermore, defendant reserves the right to produce documents, evidence, and information of any subsequently discovered facts which it may later recall or discover.

2. Nothing set forth herein by defendant is intended, or shall be construed, as a waiver of any objection it may assert under the Federal Rules of Civil Procedure, which would require the exclusion of any answer at the time of trial or at the hearing of a Motion. Also, such objections are expressly reserved and may be made at such later time.

3. Subject to the claims of attorney/client privilege, the attorney work-product doctrine, or other privileges and the objections set forth herein, defendant responds to plaintiff's Demand for Production of Documents.

4. This "Preliminary Statement" is incorporated into each of the following specific responses of defendant to plaintiff's Demand for Production of Documents.

RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS

Request for Production No. 3:

All minute books, stock record books, articles of incorporation and other books and records showing the organization, operation, and ownership of LRS of Central California.

////

Response to Request for Production No. 3:

1. Defendant Legal Recovery Services of Central California, Inc., objects on the grounds that the information requested is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. The instant action involves two plaintiffs who have not had contact with this Defendant;

2. Objection, the request is overly broad and remote;

3. Objection, the request is oppressive, harassing and burdensome;

4. Objection, the request seeks information which is protected by a right to financial privacy;

5. Objection, the request seeks information which is subject to trade secret protection;

6. Objection, the request seeks information including defendant's counsel's legal analysis and theories and therefore invades the attorney's work-product privilege;

7. Objection, the request seeks information which is protected from disclosure by the attorney-client privilege.

Notwithstanding and without waving the foregoing objections, and subject thereto, Defendant responds that it will produce its articles of incorporation and bylaws at a mutually convenient time and location.

Supplemental Response to Request for Production No. 3:

1. Defendant Legal Recovery Services of Central California, Inc., objects on the grounds that the information requested is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. The instant action involves two plaintiffs who have not had contact with this Defendant;

2. Objection, the request is overly broad and remote;

3. Objection, the request is oppressive, harassing and burdensome;

4. Objection, the request seeks information which is protected by a right to financial privacy;

1 Notwithstanding and without waving the foregoing objections, and subject thereto,
2 Defendant responds that it produces herewith a copy of its book of corporate minutes.

3 **Request for Production No. 4:**

4 All agreements between any of the defendants, in effect at any time during the relevant
5 time period related to the business of collecting dishonored checks.

6 **Response to Request for Production No. 4:**

7 1. Defendant Legal Recovery Services of Central California, Inc., objects on the
8 grounds that the information requested is neither relevant to the subject matter of this action nor
9 reasonably calculated to lead to the discovery of admissible evidence. The instant action
10 involves two plaintiffs who have not had contact with this Defendant;

11 2. Objection, the request is overly broad and remote;

12 3. Objection, the request is oppressive, harassing and burdensome;

13 4. Objection, the request seeks information which is protected by a right to financial
14 privacy;

15 5. Objection, the request seeks information which is subject to trade secret
16 protection;

17 6. Objection, the request seeks information including defendant's counsel's legal
18 analysis and theories and therefore invades the attorney's work-product privilege;

19 7. Objection, the request seeks information which is protected from disclosure by the
20 attorney-client privilege.

21 Defendant agrees to produce no documents in response to this request.

22 **Supplemental Response to Request for Production No. 4:**

23 1. Defendant Legal Recovery Services of Central California, Inc., objects on the
24 grounds that the information requested is neither relevant to the subject matter of this action nor
25 reasonably calculated to lead to the discovery of admissible evidence. The instant action
26 involves two plaintiffs who have not had contact with this Defendant;

27 2. Objection, the request is overly broad and remote;

28 3. Objection, the request is oppressive, harassing and burdensome;

4. Objection, the request seeks information which is protected by a right to financial privacy;

5. Objection, the request seeks information including defendant's counsel's legal analysis and theories and therefore invades the attorney's work-product privilege;

6. Objection, the request seeks information which is protected from disclosure by the attorney-client privilege.

Notwithstanding and without waving the foregoing objections, and subject thereto, Defendant responds that it produces herewith copies of all responsive documents in redacted form.

Request for Production No. 6:

An example of each form letter that LRS of Central California uses in its communications with check writers and with merchants.

Response to Request for Production No. 6:

1. Defendant Legal Recovery Services of Central California, Inc., objects on the grounds that the information requested is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. The instant action involves two plaintiffs who have not had contact with this Defendant;

2. Objection, the request is overly broad and remote;

3. Objection, the request is oppressive, harassing and burdensome;

4. Objection, the request seeks information which is protected by a right to financial privacy;

5. Objection, the request seeks information which is subject to trade secret protection;

6. Objection, the request seeks information including defendant's counsel's legal analysis and theories and therefore invades the attorney's work-product privilege;

7. Objection, the request seeks information which is protected from disclosure by the attorney-client privilege.

Defendant agrees to produce no documents in response to this request.

Supplemental Response to Request for Production No. 6:

1. Defendant Legal Recovery Services of Central California, Inc., objects on the grounds that the information requested is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. The instant action involves two plaintiffs who have not had contact with this Defendant;

2. Objection, the request is overly broad and remote;

Notwithstanding and without waving the foregoing objections, and subject thereto, Defendant responds that it produces herewith copies of form letters that LRS of Central California uses in its communications with check writers.

Request for Production No. 8:

All summaries or periodic reports that quantify LRS of Central California's activity in collecting checks, such as summaries of the number of checks submitted to LRS of Central California for collection, the number and type of letters that LRS of Central California has mailed to check writers, the amount of money that LRS of Central California has recovered in collecting checks, the division of collection proceeds between defendants, and similar information. This includes, but is not limited to, summaries and reports generated for LRS of Central California's internal use, and reports generated for any other purpose.

Response to Request for Production No. 8:

1. Defendant Legal Recovery Services of Central California, Inc., objects on the grounds that the information requested is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. The instant action involves two plaintiffs who have not had contact with this Defendant;

2. Objection, the request is overly broad and remote;

3. Objection, the request is oppressive, harassing and burdensome;

4. Objection, the request seeks information which is protected by a right to financial privacy;

5. Objection, the request seeks information which is subject to trade secret protection;

1 6. Objection, the request seeks information including defendant's counsel's legal
2 analysis and theories and therefore invades the attorney's work-product privilege;

3 7. Objection, the request seeks information which is protected from disclosure by the
4 attorney-client privilege.

5 Defendant agrees to produce no documents in response to this request.

6 **Supplemental Response to Request for Production No. 8:**

7 1. Defendant Legal Recovery Services of Central California, Inc., objects on the grounds
8 that the information requested is neither relevant to the subject matter of this action nor
9 reasonably calculated to lead to the discovery of admissible evidence. The instant action
10 involves two plaintiffs who have not had contact with this Defendant;

11 2. Objection, the request is overly broad and remote;

12 3. Objection, the request is oppressive, harassing and burdensome;

13 4. Objection, the request seeks information which is protected by a right to financial
14 privacy;

15 5. Objection, the request seeks information which is subject to trade secret
16 protection;

17 6. Objection, the request seeks information including defendant's counsel's legal
18 analysis and theories and therefore invades the attorney's work-product privilege;

19 7. Objection, the request seeks information which is protected from disclosure by the
20 attorney-client privilege.

21 Notwithstanding and without waving the foregoing objections, and subject thereto,
22 Defendant references its response to Request Nos. 4 and 6 above.

23 **Request for Production No. 9:**

24 All documents containing information related to LRS of Central California's collection
25 efforts on individual accounts, including records identifying check writers, check amounts, check
26 dates and payees, payment demands made by LRS of Central California, payments received by
27 LRS of Central California, and LRS of Central California's distribution of payments received.

28 **Response to Request for Production No. 9:**

1 1. Defendant Legal Recovery Services of Central California, Inc., objects on the
2 grounds that the information requested is neither relevant to the subject matter of this action nor
3 reasonably calculated to lead to the discovery of admissible evidence. The instant action
4 involves two plaintiffs who have not had contact with this Defendant;

5 2. Objection, the request is overly broad and remote;

6 3. Objection, the request is oppressive, harassing and burdensome;

7 4. Objection, the request seeks information which is protected by a right to financial
8 privacy;

9 5. Objection, the request seeks information which is subject to trade secret
10 protection;

11 6. Objection, the request seeks information including defendant's counsel's legal
12 analysis and theories and therefore invades the attorney's work-product privilege;

13 7. Objection, the request seeks information which is protected from disclosure by the
14 attorney-client privilege.

15 Defendant agrees to produce no documents in response to this request.

16 **Supplemental Response to Request for Production No. 9:**

17 1. Defendant Legal Recovery Services of Central California, Inc., objects on the
18 grounds that the information requested is neither relevant to the subject matter of this action nor
19 reasonably calculated to lead to the discovery of admissible evidence. The instant action
20 involves two plaintiffs who have not had contact with this Defendant;

21 2. Objection, the request is overly broad and remote;

22 3. Objection, the request is oppressive, harassing and burdensome;

23 4. Objection, the request seeks information which is protected by a right to financial
24 privacy;

25 5. Objection, the request seeks information which is subject to trade secret
26 protection;

27 6. Objection, the request seeks information including defendant's counsel's legal
28 analysis and theories and therefore invades the attorney's work-product privilege;

1 7. Objection, the request seeks information which is protected from disclosure by the
2 attorney-client privilege.

3 Notwithstanding and without waving the foregoing objections, and subject thereto,
4 Defendant responds that it will provide a privilege log of documents withheld under separate
5 cover.

6 **Request for Production No. 10:**

7 All documents that describe or explain any codes, abbreviations or phrases that LRS of
8 Central California uses in the computerized records, summaries and reports of its collection
9 activity.

10 **Response to Request for Production No. 10:**

11 1. Defendant Legal Recovery Services of Central California, Inc., objects on the
12 grounds that the information requested is neither relevant to the subject matter of this action nor
13 reasonably calculated to lead to the discovery of admissible evidence. The instant action
14 involves two plaintiffs who have not had contact with this Defendant;

15 2. Objection, the request is overly broad and remote;

16 3. Objection, the request is oppressive, harassing and burdensome;

17 4. Objection, the request seeks information which is protected by a right to financial
18 privacy;

19 5. Objection, the request seeks information which is subject to trade secret
20 protection;

21 6. Objection, the request seeks information including defendant's counsel's legal
22 analysis and theories and therefore invades the attorney's work-product privilege;

23 7. Objection, the request seeks information which is protected from disclosure by the
24 attorney-client privilege.

25 Defendant agrees to produce no documents in response to this request.

26 **Supplemental Response to Request for Production No. 10:**

27 1. Defendant Legal Recovery Services of Central California, Inc., objects on the
28 grounds that the information requested is neither relevant to the subject matter of this action nor

1 reasonably calculated to lead to the discovery of admissible evidence. The instant action
2 involves two plaintiffs who have not had contact with this Defendant;

3 2. Objection, the request is overly broad and remote;

4 3. Objection, the request is oppressive, harassing and burdensome;

5 Notwithstanding and without waving the foregoing objections, and subject thereto, Defendant
6 responds that it produces herewith a copy of a index of computer codes responding party uses in
7 its business.

8 **Request for Production No. 14:**

9 All documents that LRS of Central California uses in its efforts to avoid violations of the
10 Fair Debt Collection Practices Act.

11 **Response to Request for Production No. 14:**

12 1. Defendant Legal Recovery Services of Central California, Inc., objects on the
13 grounds that the information requested is neither relevant to the subject matter of this action nor
14 reasonably calculated to lead to the discovery of admissible evidence. The instant action
15 involves two plaintiffs who have not had contact with this Defendant;

16 2. Objection, the request is overly broad and remote;

17 3. Objection, the request is oppressive, harassing and burdensome;

18 4. Objection, the request seeks information which is protected by a right to financial
19 privacy;

20 5. Objection, the request seeks information which is subject to trade secret
21 protection;

22 6. Objection, the request seeks information including defendant's counsel's legal
23 analysis and theories and therefore invades the attorney's work-product privilege;

24 7. Objection, the request seeks information which is protected from disclosure by the
25 attorney-client privilege.

26 Notwithstanding and without waving the foregoing objections, and subject thereto,
27 Defendant responds that after a diligent search and a reasonable inquiry, no documents
28

responsive to the request exist in Defendant's possession, custody or control other than copies of relevant statutes which are equally available to all parties.

Supplemental Response to Request for Production No. 14:

1. Defendant Legal Recovery Services of Central California, Inc., objects on the grounds that the information requested is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. The instant action involves two plaintiffs who have not had contact with this Defendant;

2. Objection, the request is overly broad and remote;

4. Objection, the request is oppressive, harassing and burdensome;

Defendant supplements its prior response by stating that defendant maintains actual copies of statutes pertinent to debt collection on its premises.

Request for Production No. 15:

All documents that set forth or explain the charges that check writers are asked to pay in connection with LRS of Central California's efforts to collect dishonored checks.

Response to Request for Production No. 15:

1. Defendant Legal Recovery Services of Central California, Inc., objects on the grounds that the information requested is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. The instant action involves two plaintiffs who have not had contact with this Defendant;

2. Objection, the request is overly broad and remote;

3. Objection, the request is oppressive, harassing and burdensome;

4. Objection, the request seeks information which is protected by a right to financial privacy;

5. Objection, the request seeks information which is subject to trade secret protection;

6. Objection, the request seeks information including defendant's counsel's legal analysis and theories and therefore invades the attorney's work-product privilege;

1 7. Objection, the request seeks information which is protected from disclosure by the
2 attorney-client privilege.

3 Defendant agrees to produce no documents in response to this request.

4 **Supplemental Response to Request for Production No. 15:**

5 1. Defendant Legal Recovery Services of Central California, Inc., objects on the
6 grounds that the information requested is neither relevant to the subject matter of this action nor
7 reasonably calculated to lead to the discovery of admissible evidence. The instant action
8 involves two plaintiffs who have not had contact with this Defendant;

9 2. Objection, the request is overly broad and remote;

10 Notwithstanding and without waving the foregoing objections, and subject thereto,
11 Defendant responds that it produces herewith copies of form letters that LRS of Central
12 California uses in its communications with check writers.

13 **Request for Production No. 17:**

14 All documents that refer or relate to any practice of LRS of Central California to report
15 unpaid checks and/or additional charges to a consumer credit reporting agency.

16 **Response to Request for Production No. 17:**

17 1. Defendant Legal Recovery Services of Central California, Inc., objects on the
18 grounds that the information requested is neither relevant to the subject matter of this action nor
19 reasonably calculated to lead to the discovery of admissible evidence. The instant action
20 involves two plaintiffs who have not had contact with this Defendant;

21 2. Objection, the request is overly broad and remote;

22 3. Objection, the request is oppressive, harassing and burdensome;

23 4. Objection, the request seeks information which is protected by a right to financial
24 privacy;

25 5. Objection, the request seeks information which is subject to trade secret
26 protection;

27 6. Objection, the request seeks information including defendant's counsel's legal
28 analysis and theories and therefore invades the attorney's work-product privilege;

1 7. Objection, the request seeks information which is protected from disclosure by the
2 attorney-client privilege.

3 Defendant agrees to produce no documents in response to this request.

4 **Supplemental Response to Request for Production No. 17:**

5 1. Defendant Legal Recovery Services of Central California, Inc., objects on the
6 grounds that the information requested is neither relevant to the subject matter of this action nor
7 reasonably calculated to lead to the discovery of admissible evidence. The instant action
8 involves two plaintiffs who have not had contact with this Defendant;

9 2. Objection, the request is overly broad and remote;

10 Defendant responds that after a diligent search and a reasonable inquiry, no documents
11 responsive to the request exist in Defendant's possession, custody or control.

12 **Request for Production No. 21:**

13 Copies of all insurance policies that potentially cover any business liability. You may
14 exclude policies that include only automobile insurance or worker's compensation coverage.

15 **Response to Request for Production No. 21:**

16 1. Defendant Legal Recovery Services of Central California, Inc., objects on the
17 grounds that the information requested is neither relevant to the subject matter of this action nor
18 reasonably calculated to lead to the discovery of admissible evidence. The instant action
19 involves two plaintiffs who have not had contact with this Defendant;

20 2. Objection, the request is overly broad and remote;

21 3. Objection, the request is oppressive, harassing and burdensome;

22 4. Objection, the request seeks information which is protected by a right to financial
23 privacy;

24 5. Objection, the request seeks information which is subject to trade secret
25 protection;

26 6. Objection, the request seeks information including defendant's counsel's legal
27 analysis and theories and therefore invades the attorney's work-product privilege;
28

1 7. Objection, the request seeks information which is protected from disclosure by the
2 attorney-client privilege.

3 Defendant agrees to produce no documents in response to this request.

4 **Supplemental Response to Request for Production No. 21:**

5 1. Defendant Legal Recovery Services of Central California, Inc., objects on the grounds
6 that the information requested is neither relevant to the subject matter of this action nor
7 reasonably calculated to lead to the discovery of admissible evidence. The instant action
8 involves two plaintiffs who have not had contact with this Defendant;

9 2. Objection, the request is overly broad and remote;

10 3. Objection, the request is oppressive, harassing and burdensome;

11 4. Objection, the request seeks information which is protected by a right to financial
12 privacy;

13 Notwithstanding and without waving the foregoing objections, and subject thereto,
14 Defendant responds that it produces herewith a copy of the cover page of a CGL insurance
15 policy covering defendant.

16
17 DATED: January 4, 2006

18 CLIFFORD & BROWN

19
20 By 

21 T. MARK SMITH

22 Attorney for Defendant Legal Recovery
23 Services of Central California
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T. MARK SMITH, ESQ., State Bar No. 162370
 CLIFFORD & BROWN
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 Attorneys at Law
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 (661) 322-6023
 (661) 322-3508 - Fax

Attorney for Legal Recovery Services of Central California, Inc.

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

RICHARD L. CARRIZOSA, and MARY
 PEA, on behalf of themselves and other
 similarly situated,

Plaintiffs,

vs.

PAUL R. STASSINOS, an individual, ALAN
 MECHAM, an individual, LEGAL
 RECOVERY SERVICES, INC., a California
 corporation, LEGAL RECOVERY
 SERVICES OF CENTRAL CALIFORNIA,
 INC., a California corporation, CENTRAL
 VALLEY LEGAL RECOVERY SERVICES,
 INC., a California corporation, and DOES 1
 through 20, inclusive,

Defendants

Case No.: C05 02280 RMW

**DEFENDANT LEGAL RECOVERY
 SERVICES OF CENTRAL
 CALIFORNIA'S SUPPLEMENTAL
 RESPONSES TO PLAINTIFF RICHARD
 CARRIZOSA'S INTERROGATORIES**

SET NO. ONE

PROPOUNDING PARTY : Plaintiff, RICHARD CARRIZOSA

RESPONDING PARTY : Defendant, LEGAL RECOVERY SERVICES OF
 CENTRAL CALIFORNIA

SET NO. : ONE - SUPPLEMENTAL

Comes now defendant, LEGAL RECOVERY SERVICES OF CENTRAL
 CALIFORNIA, and responds to plaintiff, RICHARD CARRIZOSA, Interrogatories (Set No.
 One) as follows:

PRELIMINARY STATEMENT

1. Defendant has not yet fully completed investigation of the circumstances and facts relating to, has not yet completed discovery in, and has not completed preparation for trial of this action. It is anticipated that further discovery, independent investigation and analysis shall supply additional documents, evidence, and information. Defendant's responses to plaintiff's Special Interrogatories are based only on such documents, evidence, and information which are presently available and specifically known to defendant, and are given without prejudice to defendant's right to produce subsequently discovered documents, evidence, or information at the time of trial or at the hearing of a motion. Furthermore, defendant reserves the right to produce evidence and information of any subsequently discovered facts which it may later recall or discover.

2. Nothing set forth herein by defendant is intended, or shall be construed, as a waiver of any objection it may assert under the Federal Rules of Civil Procedure, which would require the exclusion of any answer at the time of trial or at the hearing of a Motion. Also, such objections are expressly reserved and may be made at such later time.

3. Subject to the claims of attorney/client privilege, the attorney work-product doctrine, or other privileges and the objections set forth herein, defendant responds to plaintiff's Special Interrogatories.

4. This "Preliminary Statement" is incorporated into each of the following specific responses of defendant to plaintiff's Form Interrogatories.

RESPONSES TO INTERROGATORIES**INTERROGATORY NO. 7:****REQUEST:**

Set forth on a monthly basis the number of dishonored checks referred for collection.

RESPONSE:

Defendant objects on the grounds that this interrogatory calls for information which is neither relevant nor calculated to lead to the discovery of admissible evidence as this action involves two named plaintiffs with whom this defendant had no involvement in collection

1 activities. Defendant also objects on the grounds that the request is overly broad and unduly
2 burdensome. Defendant also objects on the grounds that the information called for by the
3 interrogatory is protected by the privacy interests of this defendant and third parties. Defendant
4 also objects on the grounds that the request seeks information which constitutes protected trade
5 secrets and invades confidential and proprietary business information.

6 **SUPPLEMENTAL RESPONSE:**

7 Defendant objects on the grounds that this interrogatory calls for information which is
8 neither relevant nor calculated to lead to the discovery of admissible evidence as this action
9 involves two named plaintiffs with whom this defendant had no involvement in collection
10 activities. Defendant also objects on the grounds that the request is overly broad and unduly
11 burdensome.

12 Notwithstanding and without waiving the foregoing objections, responding party
13 responds that during 2005 it currently processes approximately 900 new dishonored checks per
14 month.

15 **INTERROGATORY NO. 14:**

16 **REQUEST:**

17 For each year since 2001, set forth the total interest charges paid to any defendant by
18 check writers and the total number of such class members who have paid these charges. Exclude
19 interest that was awarded in a lawsuit judgment.

20 **RESPONSE:**

21 Defendant objects on the grounds that this interrogatory calls for information which is
22 neither relevant nor calculated to lead to the discovery of admissible evidence as this action
23 involves two named plaintiffs with whom this defendant had no collection activity. Defendant
24 also objects on the grounds that the request is overly broad and unduly burdensome. Defendant
25 also objects on the grounds that the information called for by the interrogatory is protected by the
26 privacy interests of this defendant and third parties. Defendant also objects on the grounds that
27 the request seeks information which constitutes protected trade secrets and invades confidential
28 and proprietary business information.

SUPPLEMENTAL RESPONSE:

Defendant objects on the grounds that this interrogatory calls for information which is neither relevant nor calculated to lead to the discovery of admissible evidence as this action involves two named plaintiffs with whom this defendant had no collection activity. Defendant also objects on the grounds that the request is overly broad and unduly burdensome. Defendant also objects on the grounds that the information called for by the interrogatory is protected by the privacy interests of this defendant and third parties.

Notwithstanding and without waiving the foregoing objections, responding party responds that neither name plaintiff Carrizosa nor Pea paid interest charges to responding party.

INTERROGATORY NO. 15:**REQUEST:**

Fully explain LRS of Central California's procedures for collecting dishonored checks, including in your explanation, how LRS of Central California receives dishonored checks and information, the selection and timing of form letters that LRS of Central California sends to check writers and merchants, the timing and substance of the phone calls that LRS of Central California makes to check writers, the receipt and disbursement of payments made by check writers, and the termination of collection efforts.

RESPONSE:

Responding party objects on the grounds that this request is compound. This request is overly broad in time and scope. This request is also vague, ambiguous, and lacks foundation. Because of these ambiguities, this interrogatory appears to seek information that is neither relevant nor calculated to lead to the discovery of admissible evidence. Additionally, this request seeks information not likely to lead to the discovery of admissible evidence in light of the current posture of the case. The only relevant information would be that related to Richard L. Carrizosa and Mary Pea, and responding party had no contact or involvement in any collection activities plaintiffs. This request also seeks the disclosure of confidential trade secrets contained within the documents which, if disclosed, would negatively impact the financial status of responding party. Notwithstanding these objections, and without waiving these objections, responding party

1 responds as follows:

2 Responding party has an attorney-client relationship with attorney Paul Stassinis and
3 implements procedures established by Mr. Stassinis. Those procedures include data input of
4 check information, the processing of correspondence to debtors, which includes stuffing of
5 envelopes and affixing of postage related to correspondence Mr. Stassinis has directed to be
6 sent. The data is obtained from the dishonored checks that Mr. Stassinis reviews. The selection
7 and timing of such correspondence is directed by Mr. Stassinis. The substance of oral
8 communications is directed by Mr. Stassinis. Pursuant to the direction of Mr. Stassinis,
9 telephone calls are made after initial correspondence is sent. Payments are received from check
10 writers, which Mr. Stassinis has directed that responding party deposit in his trust account.
11 Responding party does not disburse monies received from check writers. Mr. Stassinis makes
12 the decision to terminate collection efforts on a collection matter.

13 **SUPPLEMENTAL RESPONSE:**

14 Responding party objects on the grounds that this request is compound. This request is
15 overly broad in time and scope. This request is also vague, ambiguous, and lacks foundation.
16 Because of these ambiguities, this interrogatory appears to seek information that is neither
17 relevant nor calculated to lead to the discovery of admissible evidence. Additionally, this request
18 seeks information not likely to lead to the discovery of admissible evidence in light of the current
19 posture of the case. The only relevant information would be that related to Richard L. Carrizosa
20 and Mary Pea, and responding party had no contact or involvement in any collection activities
21 plaintiffs. This request also seeks the disclosure of confidential trade secrets contained within the
22 documents which, if disclosed, would negatively impact the financial status of responding party.
23 Notwithstanding and without waiving these objections, responding party responds as follows:

24 LRS of Central California normally receives dishonored checks through its merchant
25 customers or directly from banking institutions. Data regarding those dishonored checks
26 retained for processing is input into a computer system. Copies of dishonored checks are then
27 sent to Mr. Stassinis. Upon direction from Mr. Stassinis, an initial letter may be mailed to the
28 check writer. In the event that the check remains unpaid, a thirty-day notice is sent to the check

1 writer via certified mail. If the check still remains unpaid, the file is assigned to an investigator.

2 **INTERROGATORY NO. 21:**

3 **REQUEST:**

4 Identify by bank, address, account name, authorized depositors, authorized signatories,
5 and account number, all bank accounts into which payments sent by check writers are deposited.

6 **RESPONSE:**

7 Defendant objects on the grounds that this interrogatory calls for information which is
8 neither relevant nor calculated to lead to the discovery of admissible evidence. Defendant also
9 objects on the grounds that the request is overly broad and unduly burdensome. Defendant also
10 objects on the grounds that the information called for by the interrogatory is protected by the
11 privacy interest of third parties. Defendant also objects on the grounds that the request seeks
12 information which constitutes protected trade secrets and invades confidential and proprietary
13 business information.

14 **SUPPLEMENTAL RESPONSE:**

15 Defendant objects on the grounds that this interrogatory calls for information which is
16 neither relevant nor calculated to lead to the discovery of admissible evidence. Defendant also
17 objects on the grounds that the information called for by the interrogatory is protected by the
18 privacy interest of third parties.

19 Notwithstanding and without waiving these objections, responding party responds as
20 follows:

21 Responding party deposits payments collected from check writers to Defendant Stassinis
22 in to Defendant Stassinis' trust account designated for this purpose. The account is maintained
23 at Wells Fargo Bank. Deposits are made in a Bakersfield, CA branch of Wells Fargo Bank.

24 **INTERROGATORY NO. 22:**

25 **REQUEST:**

26 Describe in detail your relationship with each of the other defendants in this lawsuit,
27 including, but not limiting, all support and consulting services provided, the division of income
28 and expenses, and all regular business communications.

RESPONSE:

Defendant objects on the grounds that the request is compound. Also, this request seeks information that is neither relevant nor calculated to lead to the discovery of admissible evidence, given the procedural posture of this case as being brought by two individuals. Moreover, this request seeks the disclosure of confidential trade secrets contained within the documents which, if disclosed, would negatively impact the financial status of responding party. The request seeks attorney-client privileged and work product protected information. This interrogatory also appears to seek a legal conclusion. Notwithstanding these objections, and without waiving these objections, responding party states:

Responding party has an attorney-client relationship with Mr. Stassinis. Responding party has no relationship with Mr. Mecham or Central Valley Legal Recovery Services, Inc. Responding party purchased its business from Legal Recovery Services, Inc., and pursuant to the purchase agreement, responding party makes a monthly payment to Legal Recovery Services, Inc. Pursuant to the purchase agreement, Legal Recovery Services, Inc. is to provide technical support associated with the computer software. In accordance with the purchase agreement, responding party is an independent and separate entity which does not commingle or share income or expenses, or provide each other with consulting services.

SUPPLEMENTAL RESPONSE:

Defendant objects on the grounds that the request is compound. Also, this request seeks information that is neither relevant nor calculated to lead to the discovery of admissible evidence, given the procedural posture of this case as being brought by two individuals. Moreover, this request seeks the disclosure of confidential trade secrets contained within the documents which, if disclosed, would negatively impact the financial status of responding party. The request seeks attorney-client privileged and work product protected information. This interrogatory also appears to seek a legal conclusion. Notwithstanding and without waiving these objections, responding party states:

Defendant LRS of Central California responds that it has an attorney-client relationship with Defendant Stassinis. Responding party retains Defendant Stassinis to bring lawsuits

1 against check writers as he deems appropriate, to advise its employees regarding policies,
 2 procedures and legal requirements relating to collection practices and to supervise its employees
 3 while they perform ministerial acts relating to Defendant Stassinis' performance of legal
 4 services. Mr. Stassinis reviews dishonored checks, makes decisions as to whether a lawsuit will
 5 be filed, prepares and files all litigation papers, makes all court appearances, coordinates, if
 6 necessary, with law enforcement officials to execute on judgments and handles all post judgment
 7 collection matters. He also manages his trust account into which all checks received from check
 8 writers are deposited and makes disbursements from that account to responding party and to the
 9 appropriate merchants. Mr. Stassinis also instructs LRS of Central California employees in the
 10 preparation of letters sent to check writers, monitors their work and advises them regarding
 11 collection practices. The expenses associated with sending of letters are paid by Defendant LRS
 12 of Central California. Once a lawsuit is instituted, Mr. Stassinis advances costs of litigation.
 13 Defendant Stassinis is paid for his services from monies collected from check writers.
 14 Employees of Defendant LRS of Central California communicate regularly with Defendant
 15 Stassinis regarding his rendering of such services.

16
 17 As independent entities, there is no sharing or division of income or expenses between
 18 Legal Recovery Services of Central California, Inc. and LRS, Inc., Stassinis, or Central Valley
 19 Legal Recovery Services, Inc.

20
 21 DATED: January 4, 2006

22
 23 CLIFFORD & BROWN

24
 25 By 

26 T. MARK SMITH

27 Attorneys for Defendant Legal Recovery
 28 Services of Central California

VERIFICATION

I, BRENDA MEADOWS, declare:

I am employed as the President of Legal Recovery Services of Central California, a party to this action. I am authorized to make this Verification for and on behalf of Legal Recovery Services of Central California, a party to this action, and I make this Verification for that reason. I have read the foregoing document and know its content. I am informed and believe, and on that ground allege, that the matters stated in **Defendant Legal Recovery Services of Central California's Supplemental Response to Plaintiff Richard Carrizosa's Interrogatories, Set No. One** are true and correct.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed January 4, 2006, at Bakersfield, California.


BRENDA MEADOWS

PROOF OF SERVICE (C.C.P. §1013a, 2015.5)

Richard Carrizosa; Mary Peas v. Paul R. Stassinis, et al.
 (USDC, Northern Division Case No. 05-02280 PVT)

I am employed in the County of Kern, State of California. I am over the age of 18 and not a party to the within action; my business address is 1430 Truxtun Avenue, Bakersfield, CA 93301.

On January 4, 2006, I served the foregoing document(s) entitled:

**DEFENDANT LEGAL RECOVERY SERVICES OF CENTRAL CALIFORNIA'S
 SUPPLEMENTAL RESPONSE TO PLAINTIFF RICHARD CARRIZOSA'S
 INTERROGATORIES, SET NO. ONE**

— by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list.

X by placing — the original, X a true copy thereof, enclosed in a sealed envelope addressed as follows:

PLEASE SEE PROOF OF SERVICE LIST BELOW

X **BY MAIL**

— I deposited such envelope in the mail at Bakersfield, California, with postage thereon fully prepaid.

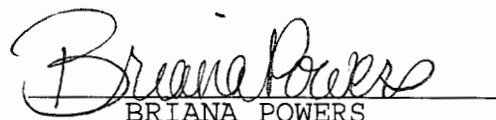
X I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Bakersfield, California in the ordinary course of business. The above sealed envelopes were placed for collection and mailing on the above date following ordinary business practice.

— **VIA FACSIMILE**

— **BY EXPRESS MAIL**

I deposited such envelopes in a facility regularly maintained by the U.S. Postal Service for receipt of Express Mail, as specified in C.C.P. §1013(c), with Express Mail postage prepaid.

1 X **BY OVERNIGHT DELIVERY** (other than Express Mail)
 2 I deposited such envelopes in an envelope or package
 3 designated by the express service carrier with delivery
 4 fees paid or provided;
 5 X and deposited such envelope or package in a
 6 facility regularly maintained by the express
 7 service carrier.
 8 _____ delivered such envelope or package to an
 9 authorized courier or driver authorized by
 10 the express service carrier to receive
 11 documents.
 12 _____ **BY PERSONAL SERVICE**
 13 I caused such envelope to be hand delivered to the
 14 offices of the addressee(s).
 15 Executed on January 4, 2006, at Bakersfield, California.
 16 _____ (State) I declare under penalty of perjury under the
 17 laws of the State of California that the
 18 above is true and correct.
 19 XX (Federal) I declare that I am employed in the office of
 20 a member of the Bar of this Court at whose
 21 direction the service was made.

22 
 23 BRIANA POWERS

24 **PROOF OF SERVICE LIST**

25 Paul Arons, Esq.
 26 LAW OFFICE OF PAUL ARONS
 27 685 Spring Street, #104
 28 Friday Harbor, WA 98250
 29 360-378-6496
 30 360-378-6498 fax
 31 Ronald Wilcox
 32 LAW OFFICE OF RONALD WILCOX
 33 2160 The Alameda, 1st Floor, Suite F
 34 San Jose, CA 95126
 35 408-296-0400
 36 408-296-0486 fax

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2 12 South 1st Street, #416
San Jose, CA 95113-2404
3 408-294-6100
408-294-6190 fax
4
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6 Chicago, IL 60602
312-372-3822
7 312-372-1673 fax
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June D. Koper
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